

REMARKS

Claim 8 calls for holding data packets until each of the buffers has a predefined depth.

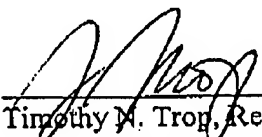
The office action, at page 3 in paragraph 1, suggests that the predefined depth "is the number of data symbols stored in the buffer that is smaller than that of the predetermined maximum number." If this were true, then the question becomes what is the predefined depth in the cited reference? Is it any number less than the maximum number? But, if this is so, then that would mean that no buffer ever reaches the maximum number, but the quote set forth in the office action from column 7, line 60 through column 8, line 1 indicates to the contrary. Namely, the buffers can exceed the asserted predetermined depth in the office action in some cases. Thus, the packets are not held until each of the buffers has that predefined depth, because sometimes the buffers have a depth in excess of the predefined depth.

As still another way of looking at it, nothing in the reference holds the packets until each of the buffers has a predefined depth. Firstly, they can exceed the asserted predefined depth in some cases. Secondly, there is no predefined depth for each buffer. Even under the analysis asserted in the office action, the predefined depth is not any single depth, but simply less than some other depth which is inconsistent with the claim language. Each of the buffers in the cited reference may have a different number of packets and that cannot be the same predefined depth in each buffer. Therefore, the rejection simply does not work with the claim language as positioned.

Therefore, reconsideration is requested.

Respectfully submitted,

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